

STIPULATION AND [PROPOSED] ORDER VACATING CASE MANAGEMENT CONFERENCE
CASE NO. 3:14-CV-02212 JD

Pursuant to Civil Local Rules 16-2 and 7-12, and Paragraph 8 of the Standing Order For Civil Cases Before Judge James Donato, Plaintiff Alteryg Systems (“Alteryg”) and Defendant EnerSys Delaware Inc. (“EnerSys”), by and through their attorneys of record in this action, hereby stipulate and agree as follows:

WHEREAS, an arbitration panel in the arbitration underlying this proceeding, *EnerSys Delaware Inc. v Alteryg Systems*, AAA Case No. 74 198 Y 01772 12, issued an Award dated May 12, 2014;

WHEREAS, on May 13, 2014, Alteryg filed a Notice of Petition and Petition to Confirm the Arbitration Award and for Entry of Judgment, and supporting papers and exhibits (the “Petition”), Dkt. 1;

WHEREAS, on May 30, 2014, the Court issued a Reassignment Order Setting CMC and set a Case Management Conference to be held in this case on August 20, 2014, at 1:30 P.M., in Courtroom 11, 19th Floor, United States Court House, 450 Golden Gate Avenue, San Francisco, CA 94102;

WHEREAS, the Court’s Reassignment Order Setting CMC ordered counsel to meet and confer as required by Fed. R. Civ. P. 26(f) prior to the Case Management Conference with respect to the subjects set forth in Fed. R. Civ. P. 16(c) and to file a joint case management statement in compliance with the District’s and the Court’s applicable Standing Orders not less than seven calendar days before the conference;

WHEREAS, on July 2, 2014, the Court issued a Stipulation and Modified Order Setting Schedule For and Enlarging Page Limits On Defendant EnerSys Delaware Inc.’s Motion To Vacate, Modify Or Correct Award, and Scheduling Hearing On Plaintiff Alteryg Systems’ Motion To Confirm Award and For Entry of Judgment, which, among other things, set a briefing schedule for Alteryg’s Petition and Notice of Motion to Confirm the Arbitration Award and For Entry of Judgment (“Motion to Confirm”), Dkt. 22, and EnerSys’s Motion to Vacate Arbitration Award (“Motion to Vacate”), Dkt. 38, and set a hearing on the Petition, Motion to Confirm, and Motion to Vacate for September 24, 2014;

WHEREAS, on July 18, 2014, EnerSys filed a Motion For Leave To Conduct Limited Post-Arbitration Discovery of a T-Mobile Representative, Alteryg filed an Opposition on August 1, 2014,

EnerSys's Reply is due by August 8, 2014, and a hearing on this motion has been scheduled for August 27, 2014;

WHEREAS, actions to enforce or vacate arbitration awards are exempt from initial disclosures under Fed. R. Civ. P. 26(a)(1)(B) and therefore exempt from Fed. R. Civ. P. 26(f)(1)'s requirement to confer;

WHEREAS, the case management conference subjects set forth in Fed. R. Civ. P. 16(c), the Standing Order For Civil Cases Before Judge James Donato, and the Standing Order For All Judges Of The Northern District generally are not applicable to actions to enforce or vacate arbitration awards;

WHEREAS, the parties do not anticipate filing any additional substantive motions in these proceedings;

WHEREAS, for the reasons set forth above, the parties have met and conferred in good faith and agree that good cause exists to vacate the Case Management Conference set for August 20, 2014;

NOW, THEREFORE, it is hereby stipulated and agreed that the Case Management Conference set for August 20, 2014, shall be vacated. All other deadlines set in these proceedings shall remain in force.

Dated: August 5, 2014

Respectfully submitted,

BOIES, SCHILLER & FLEXNER LLP

By: /s/ Jennifer G. Altman
Jennifer G. Altman

Attorneys for Defendant EnerSys Delaware Inc.

Dated: August 5, 2014

Respectfully submitted,

KASOWITZ, BENSON, TORRES & FRIEDMAN LLP

By: /s/ Brian P. Brosnahan
Brian P. Brosnahan

Attorneys for Plaintiff Alteryx Systems

1 *Filer's attestation: Pursuant to Civil Local Rule 5-1, Jennifer G. Altman hereby attests that*
2 *concurrence in the filing of this document has been obtained from each of the other signatories.*

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4 PURSUANT TO STIPULATION, IT IS SO ORDERED

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6 Dated: 8/6/14

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8 HON. JAMES DONATO
9 UNITED STATES DISTRICT JUDGE
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BOIES, SCHILLER & FLEXNER LLP
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